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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
AMIRMOKRI, JALALEDDIN	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/599,944	BIENN ET AL.	
	Examiner	Art Unit	
	JALALEDDIN AMIRMOKRI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 05/04/09 has been entered. No claims have been amended. No claims have been canceled. No claims have been added. Claims 1-20 are still pending in this application, with claims 1, 8 and 15 being independent.

Response to Arguments

2. Applicant's arguments filed on 05/04/09 have been fully considered but they are not persuasive.

This is in response to Applicant's argument on page 9, third paragraph which states applicants respectfully traverse the Examiner's position that paragraphs [0034] through [0046] of Ejzak teach this element and submit that a careful reading of the cited text reveals it to be completely devoid of any teaching of a "call origination message [that specifies] a destination terminal device having a directory number assigned with the home mobile station_domain," as clearly required by claim 1.

Examiner respectfully disagrees and reminds the applicant that the reference must be considered as a whole. Patricianly Ejzak teaches in paragraph [0065], Lines 1-11 (as referenced further in the rejection of claim 1) where e.g. during a mobile-to-mobile call a mobile unit originates a call for delivery through IMS 141 to an E.164 number destination using a SIP INVITE message, which discloses a call origination

message (e.g. SIP INVITE message) specifying a destination terminal directory number (e.g. E.164) assigned to a home mobile station domain (mobile-to-mobile call).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 5, 8-10, 12 and 15-18 are rejected under 35 U.S.C 103(a) as being unpatentable over Ejzak (US Patent Application No. 2003/0027569) in view of Chow et al. (US Patent No. 6,738,615).

Regarding claim 1, Ejzak teaches that a method of providing call progress to a calling party, comprising: receiving a circuit-switched (as described in paragraphs [0009] to [0013]) call origination message in a home mobile station domain, wherein the circuit-switched call origination message specifies a destination terminal device having a directory number assigned with the home mobile station domain (as described in paragraphs [0034] to [0046] and [0065]); identifying a serving mobile station domain in which the terminal device is registered (as described in paragraph [0089]); transmitting, from the home mobile station domain to the serving mobile station domain, a call origination message that requests the terminal device to a call with the calling party (as described in paragraphs [0034] and [0065]).

Ejzak fails to teach that receiving, by the home mobile station domain from the serving mobile station domain, a first message that requests the home mobile station domain to provide a call progress signal to the calling party prior to establishment of a bearer path between the serving mobile station domain and a telephone network of the calling party; and providing, by the home mobile station domain, a first call progress signal to the calling party.

Chow teaches that receiving, by the home mobile station domain from the serving mobile station domain, a first message that requests the home mobile station domain to provide a call progress signal to the calling party prior to establishment of a bearer path between the serving mobile station domain and a telephone network of the calling party; and providing, by the home mobile station domain, a first call progress signal to the calling party (as described in column 68, lines 50-64). Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Ejzak to provide a call progress message prior to full call establishment as described by Chow in order to notify the user of the status of the call and hence provide a more capable and user friendly communication system to the users.

Regarding claim 2, Ejzak teaches that receiving the circuit-switched call origination message comprises receiving an Integrated Services User Part call origination message (as described in paragraphs [0009] and [0010]).

Regarding claim 3, Ejzak teaches that transmitting the call origination message comprises transmitting a session initiation protocol INVITE message (as described in

paragraphs [0034] and [0065]) that allows for encapsulation of Integrated Services User Part information (as described in paragraph [0009]).

Regarding claim 5, Ejzak does not specifically teach that receiving, by the home mobile station domain from the serving mobile station domain, a second message providing a request for the home mobile station domain to discontinue the first call progress signal, wherein the serving mobile station domain sends the second message after receiving a paging response from the terminal device.

Chow teaches that receiving, by the home mobile station domain from the serving mobile station domain, a second message providing a request for the home mobile station domain to discontinue the first call progress signal, wherein the serving mobile station domain sends the second message after receiving a paging response from the terminal device (as described in column 36, lines 63-67). Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Ejzak to provide a page response message to the call originating network as described by Chow in order to change the state of the call progress processing and hence provide a robust and user friendly communication system to the users.

Regarding claim 8, Ejzak teaches that a computer-readable medium having computer-executable instructions for execution by a processing system (as described in paragraph [0007]), the computer-executable instructions for performing a method of providing call progress to a calling party, comprising: instructions for interpreting a circuit-switched (as described in paragraphs [0009] to [0013]) call origination message

in a home mobile station domain, wherein the circuit-switched call origination message specifies a destination terminal device having a directory number assigned to the home mobile station domain (as described in paragraphs [0034] to [0046] and [0065]); instructions for identifying a serving mobile station domain in which the terminal device is registered (as described in paragraph [0089]); instructions for constructing and transmitting, from the home mobile station domain to the serving mobile station domain, a call origination message that requests the terminal device to join a call with the calling party (as described in paragraphs [0034] and [0065]).

Ejzak fails to teach that instructions for receiving, by the home mobile station domain from the serving mobile station domain, a first message that requests the home mobile station domain to provide a call progress signal to the calling party prior to establishment of a bearer path between the serving mobile station domain and a telephone network of the calling party; and instructions for providing, by the home mobile station domain, a first call progress signal to the calling party.

Chow teaches that instructions for receiving, by the home mobile station domain from the serving mobile station domain, a first message that requests the home mobile station domain to provide a call progress signal to the calling party prior to establishment of a bearer path between the serving mobile station domain and a telephone network of the calling party; and instructions for providing, by the home mobile station domain, a first call progress signal to the calling party (as described in column 68, lines 50-64). Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Ejzak to provide a call

progress message prior to full call establishment as described by Chow in order to notify the user of the status of the call and hence provide a more capable and user friendly communication system to the users.

Regarding claim 9, Ejzak teaches that the instructions for interpreting a circuit-switched call origination message comprise instructions for interpreting an Integrated Services User Part call origination message (as described in paragraphs [0009] and [0010]).

Regarding claim 10, Ejzak teaches that the instructions for constructing and transmitting the call origination message comprise instructions for constructing and transmitting a session initiation protocol INVITE message (as described in paragraphs [0034] and [0065]) that allows for encapsulation of Integrated Services User Part information (as described in paragraph [0009]).

Regarding claim 12, Ejzak does not specifically teach that the instructions for receiving and interpreting, by the home mobile station domain from the serving mobile station domain, a second message providing a request for the home mobile station domain to discontinue the first call progress signal, wherein the serving mobile station domain sends the second message after receiving a paging response from the terminal device.

Chow teaches that the instructions for receiving and interpreting, by the home mobile station domain from the serving mobile station domain, a second message providing a request for the home mobile station domain to discontinue the first call progress signal, wherein the serving mobile station domain sends the second message

after receiving a paging response from the terminal device (as described in column 36, lines 63-67). Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Ejzak to provide a page response message to the call originating network as described by Chow in order to change the state of the call progress processing and hence provide a robust and user friendly communication system to the users.

Regarding claim 15, Ejzak teaches that a telecommunications system for connecting a circuit-switched (as described in paragraphs [0009] to [0013]) calling party and a terminal device registered in a mobile station domain, comprising: a serving mobile station domain in which the terminal device is registered (as described in paragraphs [0034] to [0046] and [0065]); and a home mobile station domain having a directory number of the terminal device assigned (as described in paragraph [0089]) thereto that receives a circuit-switched call origination message from the calling party and transmits a call origination message to the serving mobile station domain that requests the terminal device to join a call with the calling party and that (as described in paragraphs [0034] and [0065]).

Ejzak fails to teach that in response to receipt of a first message from the serving mobile station domain that requests the home mobile station to provide call progress to the calling party prior to establishment of a bearer path between the serving mobile station domain and a telephone network of the calling party, provides a first call progress signal to the calling party.

Chow teaches that in response to receipt of a first message from the serving mobile station domain that requests the home mobile station to provide call progress to the calling party prior to establishment of a bearer path between the serving mobile station domain and a telephone network of the calling party, provides a first call progress signal to the calling party (as described in column 68, lines 50-64). Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Ejzak to provide a call progress message prior to full call establishment as described by Chow in order to notify the user of the status of the call and hence provide a more capable and user friendly communication system to the users.

Regarding claim 16, Ejzak teaches that the circuit-switched call origination message comprises an Integrated Services User Part call origination message (as described in paragraphs [0009]) and [0010]).

Regarding claim 17, Ejzak teaches that the call origination message transmitted from the home mobile station domain to the serving mobile station domain comprises a Session Initiation Protocol INVITE message (as described in paragraphs [0034] and [0065]).

Regarding claim 18, Ejzak teaches that the serving mobile station domain comprises a serving mobile switching center emulation and the home mobile station domain comprises a home mobile switching center emulation (as described in paragraphs [0008]) to [0013]).

Ejzak fails to teach that the serving mobile switching center emulation transmits a second message to the home mobile switching center emulation that provides a request for the home mobile station domain to discontinue the first call progress signal provided to the calling party.

Chow teaches that the serving mobile switching center emulation transmits a second message to the home mobile switching center emulation that provides a request for the home mobile station domain to discontinue the first call progress signal provided to the calling party (as described in column 36, lines 63-67). Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Ejzak to provide a page response message to the call originating network as described by Chow in order to change the state of the call progress processing and hence provide a robust and user friendly communication system to the users.

3. Claims 4, 6, 7, 11, 13, 14, 19 and 20 are rejected under 35 U.S.C 103(a) as being unpatentable over Ejzak in view of Chow et al. and further in view of Gallant (US Patent Application No. 2002/0167946)

Regarding claim 4, Ejzak in view of Chow does not specifically teach that receiving the first message comprises receiving a Session Initiation Protocol 180 Ringing provisional response message.

Gallant teaches that receiving the first message comprises receiving a Session Initiation Protocol 180 Ringing provisional response message (as described in

paragraphs [0084], lines 1-6). Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Ejzak in view of Chow to provide a SIP ringing provisional response message back to the call originating network as described by Gallant in order to be utilized as a timely call progress signal back to the original caller and hence provide a robust and user friendly communication system to the users.

Regarding claim 6, Ejzak in view of Chow does not specifically teach that receiving the second message comprises receiving a session initiation protocol provisional response message.

Gallant teaches that receiving the second message comprises receiving a session initiation protocol provisional response message (as described in paragraphs [0084], lines 1-6). Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Ejzak in view of Chow to provide a SIP ringing provisional response message back to the call originating network as described by Gallant in order to change the state of the call progress processing and hence provide a robust and user friendly communication system to the users.

Regarding claim 7, Ejzak in view of Chow does not specifically teach that providing, by the serving mobile station domain, a second call progress signal to the calling party after the home mobile station domain discontinues the first call progress signal.

Gallant teaches that receiving the second message comprises receiving a session initiation protocol provisional response message (as described in paragraphs

[0086], lines 1-10). Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Ejzak in view of Chow to provide a second call progress message back to the call originating network as described by Gallant in order to change the state of the call progress processing and hence provide a robust and user friendly communication system to the users.

Regarding claim 11, Ejzak in view of Chow does not specifically teach that the instructions for receiving the first message comprise instructions that receive a session initiation protocol 180 Ringing provisional response message.

Gallant teaches that the instructions for receiving the first message comprise instructions that receive a session initiation protocol 180 Ringing provisional response message (as described in paragraphs [0084], lines 1-6). Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Ejzak in view of Chow to provide a SIP ringing provisional response message back to the call originating network as described by Gallant in order to be utilized as a timely call progress signal back to the original caller and hence provide a robust and user friendly communication system to the users.

Regarding claim 13, Ejzak in view of Chow does not specifically teach that the instructions for receiving and interpreting the second message comprise instructions that receive and interpret a Session Initiation Protocol provisional response message.

Gallant teaches that the instructions for receiving and interpreting the second message comprise instructions that receive and interpret a Session Initiation Protocol provisional response message (as described in paragraphs [0084], lines 1-6). Therefore

it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Ejzak in view of Chow to provide a SIP ringing provisional response message back to the call originating network as described by Gallant in order to change the state of the call progress processing and hence provide a robust and user friendly communication system to the users.

Regarding claim 14, Ejzak in view of Chow does not specifically teach that the instructions for providing, by the serving mobile station domain, a second call progress signal to the calling party after the home mobile station domain discontinues the first call progress signal.

Gallant teaches that the instructions for providing, by the serving mobile station domain, a second call progress signal to the calling party after the home mobile station domain discontinues the first call progress signal (as described in paragraphs [0086], lines 1-10). Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Ejzak in view of Chow to provide a second call progress message back to the call originating network as described by Gallant in order to change the state of the call progress processing and hence provide a robust and user friendly communication system to the users.

Regarding claim 19, Ejzak in view of Chow does not specifically teach that the second message comprises a session initiation protocol provisional response message.

Gallant teaches that the second message comprises a session initiation protocol provisional response message (as described in paragraphs [0084], lines 1-6). Therefore it would have been obvious to a person with ordinary skill in the art at the time the

invention was made to modify Ejzak in view of Chow to provide a SIP ringing provisional response message back to the call originating network as described by Gallant in order to change the state of the call progress processing and hence provide a robust and user friendly communication system to the users.

Regarding claim 20, Ejzak in view of Chow does not specifically teach that the serving mobile station domain provides a second call progress signal to the calling party responsive to the home mobile station domain discontinuing the first call progress signal.

Gallant teaches that the serving mobile station domain provides a second call progress signal to the calling party responsive to the home mobile station domain discontinuing the first call progress signal (as described in paragraphs [0086], lines 1-10). Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Ejzak in view of Chow to provide a second call progress message back to the call originating network as described by Gallant in order to change the state of the call progress processing and hence provide a robust and user friendly communication system to the users.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JALALEDDIN AMIRMOKRI whose telephone number is (571)270-5880. The examiner can normally be reached on M-F 8am-5m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J.A./

08/03/09

/Patrick N. Edouard/
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